

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

SUBJECT: Ordinance

CONTACT PERSON/NUMBER: Monroe D. Kiar, Town Attorney
(954) 584-9770

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO BELL SOUTH CORPORATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town is in need of telephone and data services for the improvements for the multipurpose facility at Pine Island Park. BellSouth Corporation requires a recorded easement prior to this installation. This ordinance conveys the needed easement to accomplish this task.

PREVIOUS ACTIONS: N/A

CONCURRENCES: N/A

FISCAL IMPACT: N/A

RECOMMENDATIONS: Motion to approve Ordinance

ATTACHMENTS: Ordinance
Easement
Sketches and Legal Descriptions

ORDINANCE

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO BELL SOUTH CORPORATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, BellSouth Corporation is in need of easements from the Town of Davie for the construction, operation and maintenance of telephone and data services for the multipurpose facility at Pine Island Park; and

WHEREAS, in furtherance thereof, the Town of Davie desires to grant said easements to BellSouth Corporation; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie hereby authorizes the appropriate Town Officials to execute an easement to BellSouth Corporation, a copy of which is attached hereto as Exhibit "A".

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING this _____ day of _____, 2001.

PASSED ON SECOND READING this _____ day of _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ day of _____, 2001.

This Instrument prepared by:

Monroe D. Kiar, Esquire
6191 SW 45 Street, #6151A
Davie, FL 33314

EASEMENT

Record & Return to:

Town of Davie
Town Clerk's Office
6591 Orange Drive
Davie, FL 33314

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to BELLSOUTH CORPORATION, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of underground telephone utility facilities (including wires, poles, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

SEE ATTACHED EXHIBIT "A"

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 2001.

Signed, sealed and delivered in the
presence of:

TOWN OF DAVIE

Witness Signature

Print Name: _____

BY:

Print Name:

Address:

Witness Signature

Print Name: _____

Attest:

Print Name:

Address: _____

STATE OF FLORIDA AND COUNTY OF BROWARD. The foregoing instrument was acknowledged before me this ____ day of _____, 2001, by _____ and _____ respectively, the and _____ of _____, a _____ corporation, on behalf of said corporation, who are personally known to me or have produced _____ as identification, and who did (did not) take an oath.

My Commission Expires:

Notary Public

Print Name: _____



McLAUGHLIN ENGINEERING COMPANY
400 NORTHEAST 3rd AVENUE
FORT LAUDERDALE, FLORIDA, 33301
ENGINEERS - SURVEYORS
(LB# 265)

PHONE: (954) 763-7611

FAX: (954) 763-7615

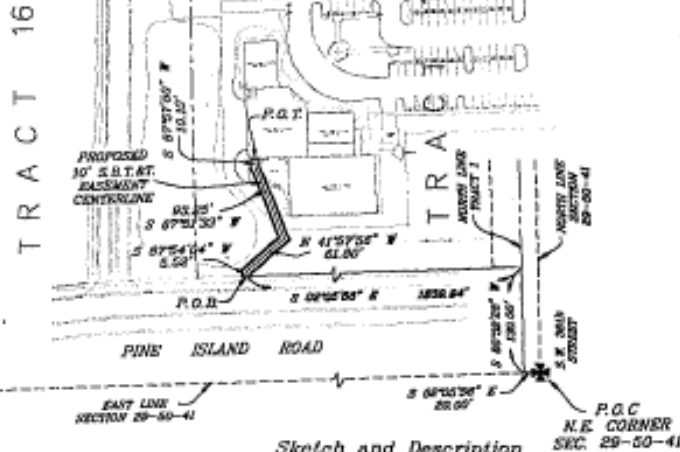
- Indicates Marker
- Scale 1" = 150'

Legend

P.O.C. = Point of Commencement
P.O.B. = Point of Beginning
P.O.T. = Point of Termination



LOCATION MAP
NOT TO SCALE



Sketch and Description
10' S.B.T.&T. Easement
(Pine Island Park)

A strip of land 10 feet in width, over across and through a portion of Tract 1, JOHN W. NEWMAN'S SURVEY, according to the plat thereof, as recorded in Plat Book 2, Page 28, of the public records of Dade County, Florida, lying in Section 29, Township 50 South, Range 41 East, and lying 5.00 feet on each side of the following described centerline:

COMMENCING at the Northeast corner of said Section 29; thence South 02°05'55" East, on the East line of said Section 29, a distance of 20.00 feet to a point on a line 20.00 feet South of and parallel with the North line of the Northeast one-quarter (NE 1/4) of said Section 29; thence South 88°32'28" West, on said parallel line and on the North line of said Tract 1, a distance of 130.00 feet; thence South 02°05'55" East, on a line 130.00 feet West of and parallel with the East line of said Tract Section 29, a distance of 1239.94 feet to the POINT OF BEGINNING of the herein described centerline; thence South 87°54'04" West, a distance of 5.52 feet; thence North 41°57'55" West, a distance of 61.00 feet; thence South 67°51'31" West, a distance of 93.25 feet; thence South 87°57'30" West, a distance of 10.10 feet to the POINT OF TERMINATION of herein described centerline.

Said lands situate, lying and being in the Town of Davis, Broward County, Florida, and containing 1.707 square feet or 0.0392 acres more or less.

NOTES:

1. THIS IS NOT A SURVEY
2. This sketch reflects all easements and rights-of-way as shown on above referenced record plat. The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Co.
3. Description prepared by McLaughlin Engineering Co. this 11th day of September, 2000, and does not infer title or ownership.
4. Bearings are assumed and refer to the East line of said Section 29, as South 02°05'55" East.

CERTIFICATION:

We hereby certify that this sketch meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-8, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 26th day of June, 2001.

McLAUGHLIN ENGINEERING CO.

Jerald A. McLaughlin
Jerald A. McLaughlin
Registered Land Surveyor No. 5269
State of Florida

"NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL"

FIELD BOOK NO. IDS & Ref. Dwg. 97-3-020
JOB ORDER NO. I-5324

DRAWN BY: DRP
CHECKED BY: _____